

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

CHRISTOPHER JOE STEPHENS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CV410-056
	)	
STATE OF INDIANA, ELKHART	)	
SUPERIOR COURT 1, ELKHART	)	
SUPERIOR COURT 2,	)	
	)	
Respondents.	)	

**REPORT AND RECOMMENDATION**

Christopher Joe Stephens is currently confined in this District pending extradition to Goshen, Indiana for a conviction that arose in that state. (Doc. 1.) He has filed 28 U.S.C. § 2254 petition attacking that conviction.<sup>1</sup> (*Id.*) In such situations, jurisdiction exists concurrently in both the district of the detainee's confinement and the district in the state in which the conviction under attack was entered. *Wright v. Indiana*, 263 F. App'x 794, 795 (11th Cir. 2008). "The most convenient

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<sup>1</sup> It is unclear whether the petition should be construed as one brought pursuant to 28 U.S.C. § 2241. It matters not, however, since the Northern District of Indiana is the better forum in any event.

forum will often be the district in the state whose conviction is being attacked, and a transfer of the case to that district is permissible, but not required.” *Id.* (citing *Byrd v. Martin*, 754 F.2d 963, 965 (11th Cir. 1985). Having considered petitioner’s filing, the Court concludes that Indiana would be the better forum for resolving this matter. Hence, this case should be transferred to the Northern District of Indiana, South Bend Division. *See* 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the interest of justice); 28 U.S.C. § 94(a)(2) (the South Bend Division of Indiana’s Northern District includes Elkhart County, where the city of Goshen, Indiana is located).

**SO REPORTED AND RECOMMENDED** this 6th day of April, 2010.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT of GEORGIA